IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.695/2005

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registar's order.	Court's Or Judges Orders

Mr. R.M.Daga, Advocate, for the Petitioner.
Mr. D.M.Kale, A.P.P. For the Respondent No.1/State.

...

Coram : K.J. Rohee, J.
Dated : August 30, 2006.

Heard Mr. R.M.Daga, Advocate, for the petitioner and Mr. D.M.Kale ,A.P.P. for the respondent no.1/State.

2. On 4.10.2005 eight persons belonging to a particular community were arrested by the Police while transporting meat worth Rs.22 lacs from Kamptee to Mumbai. Crime No. 3185/2005 was registered at P.S. Kamptee under the provisions of the Animals Protection Act, the Prevention of Cruelty to Animals Act as well as under Section 153-A(i)(b) of I.P.C. On the same day in the evening, they were produced before the Magistrate and P.C.R. was sought. The learned Magistrate by his order dated 4.10.2005 rejected the

application on the ground that the offences involved are bailable. This observation is obviously wrong. It is apparent that the learned Magistrate has not properly read the application and did not apply his mind. The impugned order is thus illegal and cannot be sustained. Hence the order:

The order dated 4.10.2005 rejecting P.C.R. is hereby quashed and set aside. The learned Magistrate is directed to reconsider the application for grant of P.C.R. by taking necessary steps to secure the presence of the accused therein.

JUDGE

halwai.